

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

**IN RE: UBER TECHNOLOGIES, INC.
PASSENGER SEXUAL ASSAULT
LITIGATION**

Case No. 3:23-md-03084-CRB

**DECLARATION OF SOMMER D. LUTHER
IN SUPPORT OF WAGSTAFF LAW FIRM'S
MOTION TO WITHDRAW AS COUNSEL
FOR PLAINTIFF M.J.**

This Document Relates to:

*M.J. v. Uber Technologies, Inc., et al., No. 3:25-
cv-08088-CRB*

I, Sommer D. Luther, declare:

1. I am a partner at Wagstaff Law Firm. I am admitted to practice before this Court pro hac vice. I make this declaration based on my own personal knowledge. If called upon to testify, I could and would testify competently to the matters stated herein.
2. Plaintiff M.J. has not responded to any phone calls, emails, SMS, or mail delivered to Plaintiff M.J.'s last known address over the last several months. Most recently:
 - On 9/26/2025 we again attempted to contact the client via her last known phone number. A voicemail was left, but no response was received. We also attempted to contact the client via email, but no response was received.
 - On 9/29/2025 we sent a formal letter warning of our withdrawal to Plaintiff, delivered to her last known address via FedEx.
 - On 10/7/2025 we attempted to contact the client via her last known phone number. A voicemail was left, but no response was received.

- 1 3. Plaintiff M.J.'s failure to communicate with our firm has presented a circumstance covered by
2 Rule 1.1.6(b)(4) of the California Rules of Professional Conduct. We are unable to meet
3 discovery deadlines and otherwise prosecute her case without her input. Our withdrawal from the
4 case has become necessary.
- 5 4. My staff and I have also recently become further concerned that some of the information initially
6 provided to us by Plaintiff M.J., may not have been accurate.
- 7 5. We attempted to contact Plaintiff M.J. by phone, text, email, SMS, and letter to address these
8 concerns and to complete a Plaintiff Fact Sheet but received no response. .
- 9 6. On September 29, 2025, Wagstaff Law Firm sent a letter to the Client via FedEx overnight mail.
10 It outlined Wagstaff's concerns with the client's lack of responsiveness. That letter informed
11 Plaintiff M.J. that if Wagstaff Law Firm cannot communicate in a timely manner with her, it
12 cannot represent her effectively, and Wagstaff Law Firm will need to terminate the
13 attorney/client relationship. It also provided a deadline to respond by October 6, 2025; otherwise,
14 the Firm would need to withdraw our representation.
- 15 7. This communication is in addition to our monthly outreach letters that continuously highlight the
16 importance of responsive communication to our clients in response to the Court's Orders.
- 17 8. No response to that letter was made, and further calls made on October 7, 2025, have gone
18 unanswered. As of the drafting of this declaration, we still have not received any communication
19 from Plaintiff M.J.
- 20 9. To date, Plaintiff M.J. has not agreed to voluntarily dismiss her claims and has not informed our
21 firm that alternative counsel has been retained; she has not contacted Wagstaff Law Firm in any
22 respect.
- 23 10. We informed Uber of our intent to withdraw from this case on October 29, 2025.
- 24 11. I understand that pursuant to Local Rule 11-5(b), leave to withdraw may be conditioned on our
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1 firm continuing to accept papers to forward the client. We do not object to this responsibility if
2 the Court sees fit to order it Executed this 29th day of October, 2025 in Denver, Colorado.
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4 /s/ Sommer D. Luther

5 Sommer D. Luther
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CERTIFICATE OF SERVICE

I hereby certify that on October 29, 2025, I electronically filed the following with the Clerk of the Court using the CM/ECF system, which will send notification of such filing via electronic mail to all counsel of record as maintained in the CM/ECF electronic system.

Dated: October 29, 2025

/s/ Sommer D. Luther
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